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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/630,863

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Ronald D. House

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OLIFF & BERRIDGE, PLC.
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

EXAMINER

MCLEAN, NEIL R

ART UNIT

PAPER NUMBER

2625

NOTIFICATION DATE

DELIVERY MODE

06/18/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

OfficeAction27074@oliff.com
jarmstrong@oliff.com

Office Action Summary

Application No.

10/630,863

Applicant(s)

HOUSE ET AL.

Examiner

Neil R. McLean

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period **will** apply and **will** expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply **will**, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 January 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5,6,8-10,12 and 15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 5-6, 8-10, 12 and 15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Status of Claims

1. Claims 5-6, 8-10 12 and 15 are now pending in this application.
Independent Claims 5, 8 and 12 were amended.

Response to Arguments

2. Applicant's arguments with respect to the purchase of **only** the blank media when referring to Applicants Figure 10. In particular; if the answer to S1100 'Purchase Blank Media?' is yes then the process skips the downloading of data to the disk and goes to the type of media to be dispensed and then the payment and dispensing of the blank media have been considered and is persuasive but is moot in view of the new ground(s) of rejection (Roe US 5,988,431).

Examiner's Answer:

Wasilewski et al. does not disclose expressly wherein the purchase includes the purchase of a blank portable digital storage media at the kiosk.

Roe discloses wherein the purchase includes the purchase of blank portable digital storage media at the kiosk (Column 2, lines 51-54).

Roe & Wasilewski are combinable because they are from the same field of endeavor of image processing, e.g., providing imaging products at a kiosk.

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At the time of the invention, it would have been obvious to a person of ordinary skill in the art to incorporate the sale of blank portable media storage devices as taught by Roe in the photo kiosk of Wasilewski et al.

The suggestion/motivation for doing so would be to provide the user with the option to purchase blank storage media from a kiosk instead of a retailer. "These disks are available from commercial retail operators, but the locations and office hours of these retailers is limited" as disclosed by Roe in Column 1, lines 38-40....and it "enhances the availability of computer memory through information storage disks made available by disk vending machines."

Therefore, it would have been obvious to combine Roe's option to purchase the blank media storage device at the kiosk with Wasilewski et al. photo kiosk to obtain the invention as specified.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5-6, 8-10, 12 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wasilewski et al. (US 2002/0105665) in view of Roe (US 5,988,431).

Regarding Claim 5: (Currently Amended)

Wasilewski et al. discloses a method (The program code or device which performs the function described in [0027]; lines 1-10) of purchasing media from a digital image forming device (Kiosk 10 in Figure 1; [0056]; lines 5-9), comprising:

~~selecting a portable digital storage media type;~~
~~selecting a portable digital storage media amount;~~
~~charging a transaction fee;~~

purchase determining (Figure 5 discloses The customer is also prompted to **select the particular image product/service 208. Other outputs at the kiosk include CD, memory card/stick and disk** using the computer 112 peripherals as described in [0060], lines 27-31) whether to purchase [blank] media, the purchase determining comprising selecting a portable digital storage media type (The program code or device as described in [0056]; lines 17-20 which allows the user to make a selection);

media transfer determining whether to transfer image data between physical media (e.g., obtain an image from imaging camera 101, image scanner 106, or from a file stored on media such as a CD, memory card/stick, disk using the peripheral options available on the computer 112 as described in [0060]);

the media transfer determining comprising transferring the image data from external media to internal media through a memory ("so as to begin the image acquisition process 204" as described in [0060]);

network transfer determining whether to transfer the image data from a

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network (e.g., **obtain** an image from a **remote location via the network** connection 118 as described in [0060]);

the network transfer determining comprising determining a remote target and downloading the image data from a network to the internal media through the memory

(See Remote Location Image Source Step 202 in Figure 5, which imports the desired image in Step 204);

upload transfer determining whether to upload the image data to a network (e.g., A network connection 24 is provided in kiosk 10 that is used to support the transaction processing, as well as provide other appropriate network services and support as described in [0056]);

the upload transfer determining comprising determining a remote target and uploading the image data from external media to the network (e.g., uploading & downloading the digital file to/from an Internet-enabled remote storage location or to remotely print and distribute images as described in [0011]);

transferring a computer image file from a network storage (The program code or device which performs the function described in [0058]; lines 26-40);

dispensing the portable digital storage media (The program code or device which performs the function described in [0060]; lines 27-31); and

selecting a remote target (Step 202 in Figure 5) and transferring the computer image file from the network storage to the portable digital storage media (The program code or device which performs the function described in [0060]; lines 7-13), before the step of dispensing the portable digital storage media at the remote target (The program code or device which performs the function described in [0060]; lines 27-31).

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Wasilewski et al. does not disclose expressly wherein the purchase includes the purchase of a blank portable digital storage media at the kiosk.

Roe discloses wherein the purchase includes the purchase of blank portable digital storage media at the kiosk (Column 2, lines 51-54).

Roe & Wasilewski are combinable because they are from the same field of endeavor of image processing, e.g., providing imaging products at a kiosk.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to incorporate the sale of blank portable media storage devices as taught by Roe in the photo kiosk of Wasilewski et al.

The suggestion/motivation for doing so would be to provide the user with the option to purchase blank storage media from a kiosk instead of a retailer. "These disks are available from commercial retail operators, but the locations and office hours of these retailers is limited" as disclosed by Roe in Column 1, lines 38-40....and it "enhances the availability of computer memory through information storage disks made available by disk vending machines."

Therefore, it would have been obvious to combine Roe's option to purchase the blank media storage device at the kiosk with Wasilewski et al. photo kiosk to obtain the invention as specified in claim 5.

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Regarding Claim 6: (Original)

Wasilewski et al. further discloses the method of claim 5, wherein the portable digital storage media comprises one or more of CD-ROM, DVD-ROM and CD-RW ([0060]; lines 27-31).

Regarding Claim 8: (Currently Amended)

Wasilewski et al. discloses a system for purchasing media ([0027]; lines 1-10) from a digital image forming device (Kiosk 10 in Figure 1; [0056]; lines 5-9), the system comprising:

purchase determining unit determining whether to purchase blank mediadetermining (Figure 5 discloses The customer is also prompted to **select the particular image product/service** 208. **Other outputs at the kiosk include CD, memory card/stick and disk** using the computer 112 peripherals as described in [0060], lines 27-31);

the purchase determining unit comprising selecting a portable digital storage media type (The program code or device as described in [0056]; lines 17-20 which allows the user to make a selection);

media transfer determining unit determining whether to transfer image data between physical media media (e.g., obtain an image from imaging camera 101, image scanner 106, or from a file stored on media such as a CD, memory card/stick, disk using the peripheral options available on the computer 112 as described in [0060]);

the media transfer determining unit comprising transferring the image data from external media to internal media through a memory (e.g., obtain an image from imaging camera 101, image scanner 106, or from a file stored on media such as a CD, memory card/stick, disk using the peripheral options available on the computer 112 as described in [0060]);

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network transfer determining unit determining whether to transfer the image data from a network (e.g., **obtain** an image from a **remote location via the network** connection 118 as described in [0060]);₁

the network transfer determining unit comprising determining a remote target and downloading the image data from a network to the internal media through the memory

(See Remote Location Image Source Step 202 in Figure 5, which imports the desired image in Step 204);₁

upload transfer determining unit determining whether to upload the image data to a network upload (e.g., A network connection 24 is provided in kiosk 10 that is used to support the transaction processing, as well as provide other appropriate network services and support as described in [0056]);₁

the upload transfer determining unit comprising determining a remote target and uploading the image data from external media to the network (e.g., uploading & downloading the digital file to/from an Internet-enabled remote storage location or to remotely print and distribute images as described in [0011]);₁

a payment interface ([0057], lines 15-25);

a media distribution device (Step 218 in Figure 5) for dispensing the portable digital storage media ([0060]; lines 27-31); and

a user input device (e.g., Touch Display Screen User Interface 102 in Figure 3; [0058]; lines 6-12) for selecting a remote target and transferring a computer image file from a network storage to the portable digital storage media to be dispersed at the remote target (The program code or device which performs the function described in [0060]; lines 7-13).

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Wasilewski et al. does not disclose expressly wherein the purchase includes the purchase of a blank portable digital storage media at the kiosk.

Roe discloses wherein the purchase includes the purchase of blank portable digital storage media at the kiosk (Column 2, lines 51-54).

Roe & Wasilewski are combinable because they are from the same field of endeavor of image processing, e.g., providing imaging products at a kiosk.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to incorporate the sale of blank portable media storage devices as taught by Roe in the photo kiosk of Wasilewski et al.

The suggestion/motivation for doing so would be to provide the user with the option to purchase blank storage media from a kiosk instead of a retailer. "These disks are available from commercial retail operators, but the locations and office hours of these retailers is limited" as disclosed by Roe in Column 1, lines 38-40....and it "enhances the availability of computer memory through information storage disks made available by disk vending machines."

Therefore, it would have been obvious to combine Roe's option to purchase the blank media storage device at the kiosk with Wasilewski et al. photo kiosk to obtain the invention as specified in claim 8.

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Regarding Claim 9: (Previously Presented)

Wasilewski et al. further discloses the system of claim 8, wherein the portable digital storage media comprises one or more of CD-ROM, DVD-ROM and CD-RW

([0058]; lines 17-22); and

wherein the media distribution device is a digital image forming device, and the portable digital storage media is one or more of CD-ROM, DVD-ROM and CD-RW

([0060]; lines 27-31).

Regarding Claim 10: (Original)

Wasilewski et al. further discloses the system of claim 8, wherein the digital image forming device is a digital photocopier (e.g., Printer 18 in Figure 1).

Regarding Claim 12: (Currently Amended)

Wasilewski et al. discloses a system for transferring a computer file from a portable digital storage media (e.g., a customer kiosk for providing financial and imaging goods and/or services, the kiosk having a customer input device; a display device; a mechanism for receiving and/or providing monetary transfer by the customer; and a scanning device for scanning of documents provided to the kiosk; and a communication mechanism for communicating with a computer system at a remote location and providing information to the computer system obtained by the scanning mechanism; as described in [0027]; lines 1-10), the system comprising:

purchase determining unit determining (Figure 5 discloses The customer is also prompted to **select the particular image product/service 208. Other outputs at the kiosk include CD, memory card/stick and disk** using the computer 112 peripherals as described in [0060], lines 27-31) whether to purchase [blank] media (The program code or device as described in [0056]; lines 17-20 which allows the user to make a

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selection);

the purchase determining unit comprising selecting a portable digital storage media type);

media transfer determining unit determining whether to transfer image data between physical media (e.g., obtain an image from imaging camera 101, image scanner 106, or from a file stored on media such as a CD, memory card/stick, disk using the peripheral options available on the computer 112 as described in [0060]);

the media transfer determining unit comprising transferring the image data from external media to internal media through a memory. ("so as to begin the image acquisition process 204" as described in [0060]);

network transfer determining unit determining whether to transfer the image data from a network (e.g., **obtain** an image from a **remote location via the network** connection 118 as described in [0060]);

the network transfer determining unit comprising determining a remote target and downloading the image data from a network to the internal media through the memory
(See Remote Location Image Source Step 202 in Figure 5, which imports the desired image in Step 204);

upload transfer determining unit determining whether to upload the image data to a network upload (e.g., A network connection 24 is provided in kiosk 10 that is used to support the transaction processing, as well as provide other appropriate network services and support as described in [0056]);

the upload transfer determining unit comprising determining a remote target and uploading the image data from external media to the network (e.g., uploading & downloading the digital file to/from an Internet-enabled remote storage location or to remotely print and distribute images as described in [0011]);

a media distribution device for distributing a storage media (Step 218 in Figure 5 describes the Kiosk **dispensing** media);

a portable digital storage media read/write interface for coupling the portable digital storage media to the media distribution device (The portion of the function described in [0060]; lines 7-13 which enables the read/write interface; e.g., Multi-Card reader 116 in Figure 3);

a target selector (e.g., Touch Display Screen User Interface 102 in Figure 3; [0058]; lines 6-12) for selecting a remote target and transferring a computer image file from a network storage to the portable digital storage media to be dispersed at the remote target (The program code or device which performs the function described in [0060]; lines 7-13); and

a payment interface (ATM Kiosk 40 in Figure 2) for accepting payment for a transaction (Figure 6; [0057]; lines 15-25) in which the computer file is transferred from the portable digital storage media to the storage media,

wherein the storage media is paper and the media distribution device is one or more of a digital photocopier, CD-ROM, DVD-ROM and CD-RW ([0060]; lines 27-31) and the media distribution device is a digital image forming device (See Computer 16 and 58 in Figure 4).

Regarding Claim 15: (Original)

Wasilewski et al. discloses the system of claim 12, further comprising:

a portable electronic device interface (e.g., Touch Display Screen User Interface 102; [0058]; lines 6-12), wherein the portable electronic device interface is in communication (See Communication Device 117 in Figure 3; [0058]; lines 26-31) with the portable digital storage media and

wherein the portable digital storage media is controlled by a portable electronic device
(e.g., Computer 112 in the Kiosk; [0058]; lines 22-26).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Nihei (US 7,098,942) discloses an image capture system that captures image data that has been recorded on a portable recording medium and prints out the image represented by the captured image data. Image data can also be recorded on a portable recording medium.

Examiner Notes

6. The Examiner cites particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that, in preparing responses, the applicant fully considers the references in its entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or as disclosed by the Examiner.

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Neil R. McLean whose telephone number is (571)270-1679. The examiner can normally be reached on Monday through Friday 7:30AM-4:00PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K. Moore can be reached on 571.272.7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Neil R. McLean/
Examiner, Art Unit 2625
06/09/2008

/David K Moore/
Supervisory Patent Examiner, Art Unit 2625